

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiffs

CRIMINAL NO. 17-053 (ADC)

vs.

JOHAN M. SANCHEZ DE LEON (1)
Defendant

SENTENCING MEMORANDUM

COMES NOW Mr. **JOHAN M. SANCHEZ DE LEON**, the defendant herein, represented by the undersigning attorney, and before this Honorable Court respectfully submits the following information to this Honorable Court's consideration towards sentencing:

INTRODUCTION

1. Mr. Sanchez De Leon's Arraignment was held on February 10, 2017.
2. Mr. Sanchez De Leon is charged under 8 USC 1326(a), with a statutory sentence of up to two years.
3. Mr. Sanchez De Leon specifically waives his right to the preparation of a *Presentence Report*, under Rule 32(c)(1)(A)(ii), and submits the following sentencing memorandum in the aid of the Court's sentencing discretion under 18 U.S.C. 3553.

WAIVER OF PRE-SENTENCE REPORT

4. Mr. Sanchez De Leon specifically waives his right to the preparation of a *Presentence Report*, under Rule 32(c)(1)(A)(ii), and submits the following sentencing

memorandum both as the basis to grant the waiver of preparation of *Presentence Report*, and in the aid of the Court's sentencing discretion under 18 U.S.C. 3553.

OFFENSE CONDUCT

5. Mr. Sanchez De Leon is charged with a violation of 8 U.S.C. 1326(a), reentry of removed aliens into the United States at a place other than a designated port of entry by immigration authorities. This offence carries a maximum penalty of up to two years.

6. Mr. Sanchez De Leon is a citizen and national of the Dominican Republic.

7. On January 20, 2017 was found along with other 38 people on a vessel 90 miles from the North Coast of Puerto Rico; trying to make an illegal entry into the United States.

8. Previously, on November 11, 2015 he had been ordered removed from the United States and is currently an illegal alien without authorization of legal status to be present in the United States.

9. The preceding is in violation of 8 USC 1326 (a).

VICTIM RELATED CHARACTERISTICS

10. There were no victims in this case.

OBSTRUCTION OF JUSTICE

11. Mr. Sanchez De Leon never impeded or obstructed the administration of justice during the investigation of this case.

PLEA AGREEMENT

12. There is no Plea Agreement in this case.

13. Mr. Sanchez De Leon has entered a straight plea as to the sole count in the Indictment filed in this case.

CRIMINAL HISTORY CATEGORY

14. Mr. Sanchez De Leon has no prior criminal record.

PRIOR IMMIGRATION HISTORY

15. Mr. Sanchez De Leon was detained by immigration authorities for attempting to enter illegally the United States as he was detained in water. He was placed in expeditious removal proceedings on November 11, 2015. He was subsequently removed from the United States.

PERSONAL CIRCUMSTANCES

16. Mr. Sanchez De Leon is a 27 year old male, father of two (2) young children who live with him and their mother in the Dominican Republic. He has a 7 year old named Brian Daniel Sanchez Sanchez and a 4 year old named Ashley Darishel Sanchez Sanchez. His wife is Laura Sanchez who has lived with him for over 9 years.

17. Mr. Sanchez De Leon is an unemployed Painter.

18. Mr. Sanchez De Leon has been unemployed for some time ow and he and his family had been lacking their basic needs. He was desperate and need to financially provide for his family.

19. His wife works for a private Lottery company earning just enough to put food on their table.

20. A person offered him to bring him to Puerto Rico to seek employment to provide for his family. He made an effort and paid \$25,000.00 “pesos dominicanos”

(equivalent to \$550.00 approximately) to make the trip. He was called the day of the trip and he tried to enter the United States with all the 38 other travelers unsuccessfully.

21. They left at 5:00am and were arrested at sea the next day around 4:00am. They were lost at sea. Who knows what might of happened if the Coast Guard had not found them.

22. Mr. Sanchez De Leon is very repentant for the crime he has committed. He has tried twice to entered the United States and earn a living to provide for his family and both times he has been intercepted at sea.

23. Mr. Sanchez De Leon is one more of the sad cases of desperate individuals who have no means of obtaining money in their homeland and try to emigrate to the United States to try their luck. He did not try to enter the United States to commit any crime, he just wanted to give his family a better life than they are currently suffering in the Dominican Republic, worsened by the fact that now Mr. Sanchez De Leon is incarcerated and will be so for some time.

24. Because of Mr. Sanchez De Leon's lack of judgment, now his family is worse off than they were when he left the Dominican Republic in search of a better life.

ACCEPTANCE OF RESPONSIBILITY

25. Mr. Sanchez De Leon has clearly demonstrated a recognition and acceptance of personal responsibility for his conduct, therefore a two (2) level reduction should be granted for acceptance of responsibility pursuant to §3E1.1(a).

GUIDELINE RANGE AND ADJUSTED OFFENCE LEVEL

26. The sentencing guidelines applicable in this case is 2L1.2 that has a base offense level of 8.

27. Under the provisions of §3E1.1 a two (2) level reduction is warranted.

28. The total offense level in this case is 6 with a Sentencing Guideline range of 0 to 6 months.

29. For purposes of calculating the time he has already served, Mr. Sanchez De Leon has been incarcerated since January 20, 2017.

30. He will have been incarcerated for a total of 41 days (1 month and 10 days) at his Change of Plea and Sentence Hearing this Wednesday.

REMEDY REQUESTED

31. Mr. Sanchez De Leon will not contest and consents to be deported once his Sentence is imposed and he has satisfied any term imposed by the Court.

32. Mr. Sanchez De Leon is respectfully requesting from this Honorable Court to sentence him to “time served” and that he be immediately deported back to his country of origin, the Dominican Republic.

33. Based on all the above stated, counsel for defendant strongly believes that this sentencing memorandum and the information contained herein should be enough for this Honorable Court to sentence Mr. Sanchez De Leon and for the court’s assessment in granting our request for a sentence of time served and immediate deportation.

WHEREFORE it is respectfully requested that this Honorable Court consider the information provided in this Sentencing Memorandum at the time of sentencing.

I HEREBY CERTIFY that this motion has been filed using the CM/ECF filing system and that a copy of this Motion will be sent to all parties in this case.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, on February 28, 2017.

S/ *Jason Gonzalez Delgado*

Jason González Delgado, Esq.

Bar Number: 217814

PO BOX 191365

SAN JUAN, PR 00919-1365

Phone Number: (787) 536-5306

jasonfed@gmail.com